

Drawings:

Two sheets of formal drawings depicting FIGS. 1-3 are submitted herewith. Please substitute these for the informals currently on file.

Attachment: Replacement Sheets

REMARKS

Claims 1-39 are pending in the application. Claims 29-39 stand allowed. Claims 1-5, 9, 10 and 20-25 stand rejected. Claims 6-8, 11-19 and 26-28 stand objected to.

Applicant respectfully requests reconsideration in view of the foregoing amendments and the remarks hereinbelow.

Rejection of Claims under 35 U.S.C. 102:

Claims 1, 2, 4, 5, 9, 10, 20 and 22-24 stand rejected under 35 U.S.C. 102(e) as being anticipated by Puchek et al. (US 6,794,986). Applicant respectfully requests reconsideration in view of the amendments set forth above.

The present invention relates to the detection that a medium has been put to use. The invention specifically relates to media that is usable by exposure to electromagnetic radiation of predetermined characteristic.

Claim 1, as amended, sets forth a sensor adapted for use with such a medium (one that is usable when exposed to electromagnetic radiation of predetermined characteristic). The claimed sensor is defined as capable of detecting when the medium has been exposed to electromagnetic radiation of that specific predetermined characteristic. When such an exposure is detected, the sensor generates an exposure signal so that data can be stored in memory.

The invention defined by Claim 1 is useful in monitoring the exposure of, say, photographic transparencies to projection illumination. This would inform a user of the number of times that a motion picture has been viewed. It would also provide an indication of unauthorized copying of the film. Other uses are set forth in the specification of the instant application.

Puchek et al. relates to the identification of persons for the purpose of access control by comparing the person's biometrics to stored data such as facial image data. A person's biometrics, such as the person's facial features, is not "a medium that is usable when exposed to electromagnetic radiation of predetermined characteristic" as set forth in Claim 1. Accordingly, the sensor disclosed by Puchek et al. is not "adapted for use with a medium that is usable when exposed to electromagnetic radiation of predetermined characteristic." Nor is the sensor "capable of sensing when the medium is exposed to electromagnetic radiation of said predetermined characteristic." That is, Puchek et al. do not disclose a sensor that is capable of sensing when a medium is exposed to

electromagnetic radiation of a characteristic that the medium is usable. Accordingly, Puchek et al. do not anticipate Claim 1 or render it obvious.

Claims 2, 4, 5, 9, 10, 20, and 22-24 depend from Claim 1 and are allowable at least for the reasons set forth above.

Rejection of Claims under 35 U.S.C. 103:

Claims 3 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Puchek et al. in view of Runyon et al. (US 6,774,782). The rejection is traversed because the references in combination do not disclose the claimed invention. As stated above with respect to the rejection of Claim 1, Puchek et al. do not disclose a sensor that is capable of sensing when a medium is exposed to electromagnetic radiation of a characteristic that the medium is usable. The secondary reference to Runyon et al. fails to disclose the information undisclosed by Puchek et al.

Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination. "Each element of a claim is material." *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*, 227 USPQ 657,666 (Fed. Cir., 1985)

Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Puchek et al. '782. The rejection is traversed. Whether or not it would have been obvious to make the device of Puchek et al. the size claimed is moot since the reference does not disclose a sensor that is capable of sensing when a medium is exposed to electromagnetic radiation of a characteristic that the medium is usable. However, it is also pointed out that the Examiner has not shown that the technology is available to produce the device of Puchek et al. as small as claimed.

Allowable Subject Matter:

Claims 6-8, 11-19 and 26-28 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has not rewritten these claims in independent form, but believes that the revisions to claim 1 effected herein renders it and all of its dependent claims patentable.

Conclusion:

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 40,802

Roland R. Schindler II/jrk
Rochester, NY 14650
Telephone: 585-588-2736
Facsimile: 585-477-1148